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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,601	02/27/2004	Christian Paul Klein	16477-004001	6797

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EXAMINER
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PAINTER, BRANON C

ART UNIT	PAPER NUMBER
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3633

NOTIFICATION DATE	DELIVERY MODE
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09/25/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,601	<b>Applicant(s)</b> KLEIN ET AL.	
	<b>Examiner</b> BRANON C. PAINTER	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37, 48-75, 80, 81 and 83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37, 48-75, 80, 81 and 83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-37, 48-75, and 80-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunetti et al. (6,507,278) in view of Beneke et al. (6,597,760) and Bruun et al. (6,471,039).
4. Regarding claim 1:
  - a. Brunetti discloses a screening system including:
    - i. A gateway between sterile and non-sterile areas (18, Fig. 2).
    - ii. A screening queue for the gateway (12, Fig. 1; passengers line up outside 18 and pass through 18 one at a time).
    - iii. A baggage scanner (26 and 24, Fig. 2) operable to detect the contents of baggage items, wherein the scanner includes a screening device

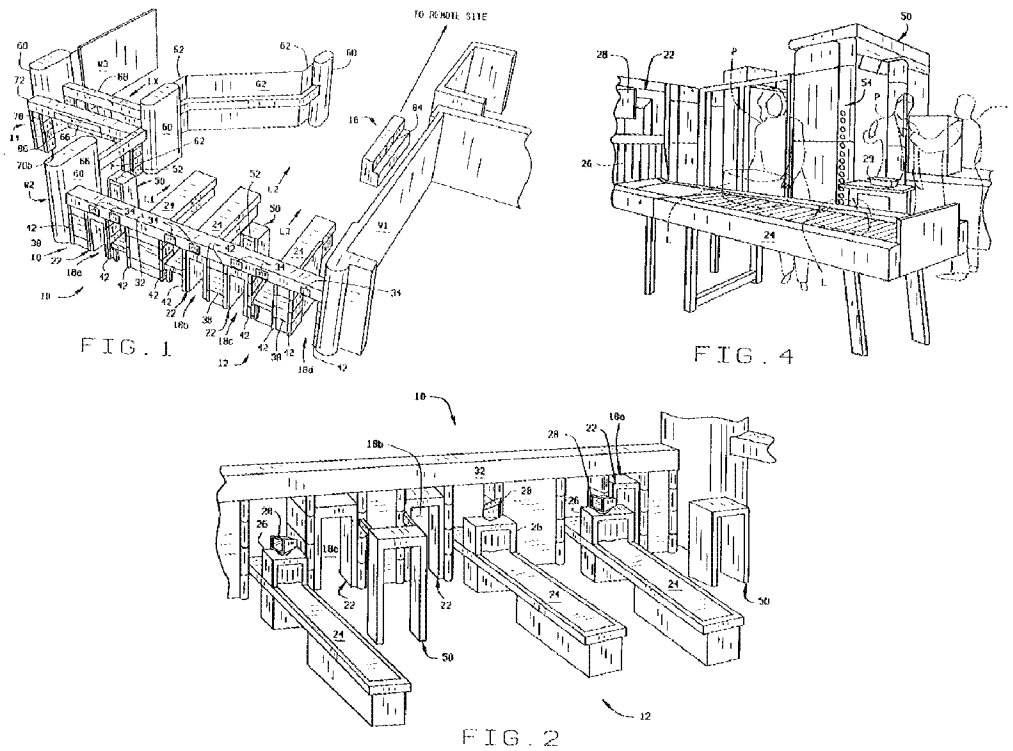
(26) and a conveyor (24) operable to convey items from the non-sterile area through the device to the sterile area.

- iv. A sidewall and support surface (side walls and support beams supporting the conveyor belt 24, Fig. 2, 4).
- b. Brunetti does not expressly disclose a tray slide in the sterile area and adjacent a portion of the baggage scanner, the tray slide and baggage scanner forming a substantially continuous path.
- c. Beneke discloses that a single conveyor path can be formed from multiple adjacent conveyor belts (2, Fig. 1).
- d. It would have been obvious to one of ordinary skill in the art to modify the single conveyor belt (24) of Brunetti by producing it from two adjacent belts as taught by Beneke, in order to provide a conveyor path whose multiple belts allow for easier detection and repair of non-functioning members.
- e. The Examiner notes that, in the combination of Brunetti/Beneke, the belt closest the screening device is considered the baggage scanner conveyor, and the adjacent belt is considered the tray slide. Such a tray slide meets all claim limitations.
- f. The Examiner notes it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

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- g. Brunetti/Beneke does not appear to expressly disclose that the tray slide conveyor belt is capable of moving in both the forward and reverse directions.
- h. Bruun teaches that it is well-known for conveyor systems to have forward and reverse directional capabilities (c. 1, 62 – c. 2, 2; c. 7, 1-4).
- i. It would have been obvious to one of ordinary skill in the art to provide the conveyor belts of Brunetti/Beneke with bi-directional capability as taught by Bruun, in order to allow suspicious luggage to be re-scanned without the need to physically move the luggage back to the beginning of the belt.
- j. Furthermore, it would have been obvious to one of ordinary skill in the art to modify the conveyor belts of Brunetti/Beneke such that one conveyor moves in the direction of the sterile area and the adjacent conveyor moves in the direction of the non-sterile area, in order to automate the tray-return process, thereby freeing security guards from this duty and allowing them to concentrate on fully securing the sterile area.
- k. The examiner notes that it is more than notoriously well-known for conveyor belts in airport security queues to operate in both the forward and reverse directions. Security guards who inspect travelers' luggage often reverse the belt in order to take a second look at a piece of luggage being scanned.

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Reproduced from Brunetti

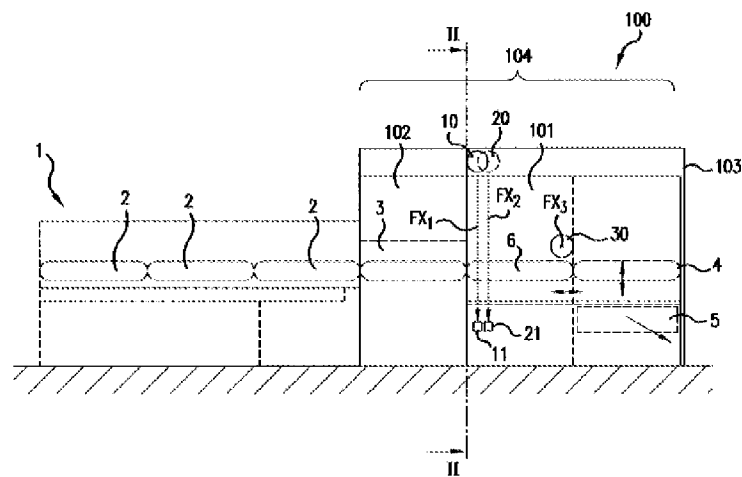


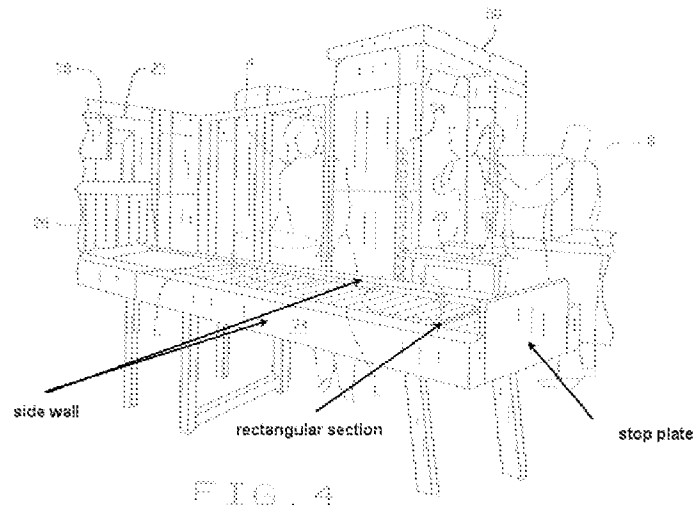
FIG. 1

Reproduced from Beneke

5. Regarding claim 2, Brunetti discloses a tray conveyance coupled to the tray slide (24, Fig. 4).

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6. Regarding claims 48 and 49, Brunetti discloses the limitations of these claims as discussed with regard to claims 1 and 2 above.
7. Regarding claims 3 and 50, Brunetti discloses a gateway with detection apparatus (22, Fig. 2).
8. Regarding claims 4 and 51, Brunetti discloses a queue that guides from a non-sterile area to a sterile area (12, Fig. 1).
9. Regarding claims 5, 21, 52, and 68, Brunetti discloses a table coupled to the tray slide and disposed between the slide and the queue (26, Fig. 2).
10. Regarding claims 6 and 53, Brunetti discloses a tray slide with elevated portion (tray slide is elevated from the ground, Fig. 4).
11. Regarding claims 7 and 54, Brunetti discloses a receiving portion collocated with the elevated portion (the end of the slide, near the stop plate in Fig. 4, is considered a receiving portion since the stop plate receives trays and prevents them from sliding off the tray slide).
12. Regarding claims 8, 15, 55, and 62, Brunetti discloses a slide with a plurality of rectangular sections having a similar width and coupled to at least another section (gray, amended Fig. 4).
13. Regarding claims 13 and 60, Brunetti discloses a sidewall affixed to the tray slide (amended Fig. 4).



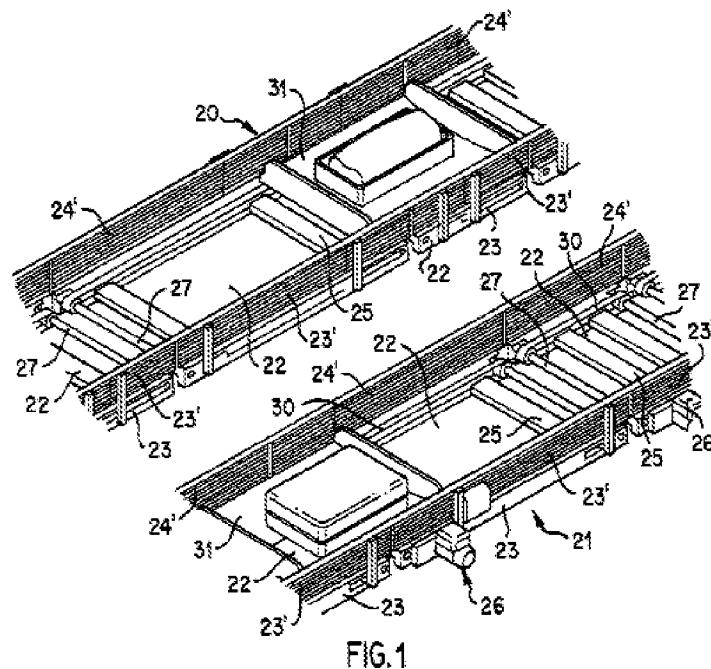
Reproduced from Brunetti (amended)

14. Regarding claims 14 and 61, Brunetti discloses two sidewalls affixed to the slide and extending substantially the entire length of the slide (amended Fig. 4).
15. Regarding claims 18 and 65, Brunetti discloses means for delivering a tray to a passenger (24, Fig. 2, 4).
16. Regarding claims 22 and 69, Brunetti discloses a tray slide coupled to the table and a portion of the table exposed between the tray slide and queue (26, Fig. 2).
17. Regarding claims 23 and 70, Brunetti discloses a retrieval portion distal the gateway (the portion of slide tray near stop plate is considered the retrieval portion, as that is where passengers retrieve items from their trays, amended Fig. 4).
18. Regarding claims 24 and 71, Brunetti discloses an end wall positioned at the retrieval portion (stop plate, amended Fig. 4).
19. Regarding claim 27:



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- a. Brunetti/Beneke/Bruun discloses a screening system as set forth above, including a tray slide and baggage scanner as discussed above with regard to claim 1.
- b. Brunetti/Beneke/Bruun does not expressly disclose that a plurality of rollers form the support surface for the tray slide.
- c. Bruun discloses that a conveyance means for conveying trays may include a roller bed (Fig. 1).
- d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the conveyors of Brunetti/Beneke by making them from well-known materials including rollers as taught by Bruun, in order to adhere to the standard, old, and well-known protocol for building a conveyor belt.



Reproduced from Bruun

20. Regarding claim 28, Brunetti discloses a threshold between sterile and non-sterile areas (Fig. 2).
21. Regarding claim 29, Brunetti discloses a slide with a plurality of rectangular sections having a similar width and coupled to at least another section (gray, amended Fig. 4).
22. Regarding claim 31, Brunetti discloses a means for propelling an article from a sterile to non-sterile area (24 in reverse can transport articles this way, Fig. 4).
23. Regarding claim 34, Brunetti discloses a table coupled to the tray slide and disposed between the slide and the queue (top of 26 acts as table, Fig. 2).
24. Regarding claim 74, Brunetti discloses a tray stop (stop plate, amended Fig. 4).
25. Regarding claims 80-81, Brunetti discloses a tray slide operable to deliver a tray in a direction opposite the path from the sterile to non-sterile area (by reversing the direction of the conveyor belt).
26. Regarding claims 83, Brunetti discloses a tray slide (rightmost 24 and 26, Fig. 2) adjacent the baggage scanner (middle 24 and 26).
- 27. Regarding all claims, the examiner notes that claim scope is not limited by claim language that does not limit a claim to a particular structure. See MPEP 2111.04.**
28. Regarding claims 9-12, 19-20, 56-59, and 66-67:
  - a. Brunetti/Beneke/Bruun discloses a security system as set forth above.
  - b. Brunetti/Beneke/Bruun does not expressly disclose that the conveyance includes a roller bed [claims 9, 56] comprising a plurality of wheels [claims

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- 10, 57] or cylindrical rollers rotating around their longitudinal axes [claims 11, 19, 58, 66], or that it includes a conveyor belt [claims 12, 20, 59, 67].
- c. Bruun discloses that a conveyance means for conveying trays may include a roller bed (Fig. 1) [claims 9, 56] comprising a plurality of wheels (27) [claims 10, 57] or cylindrical rollers rotating around their longitudinal axes (27) [claims 11, 19, 58, 66], or that it includes a conveyor belt (30) [claims 12, 20, 59, 67].
  - d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the conveyor of Brunetti by making it from well-known materials including wheels, rollers, and belts as taught by Bruun, in order to adhere to the standard, old, and well-known protocol for building a conveyor belt.

29. Regarding claims 16, 63, and 75:

- a. Brunetti/Beneke/Bruun discloses a security system as set forth above.
- b. Brunetti/Beneke/Bruun does not expressly disclose that the tray slide sections form a curved tray slide, the curve defining a direction of travel [claims 16, 63], or that the tray slide forms a continuous loop [claim 75].
- c. Bruun discloses that it is notoriously well-known to form conveyor systems using continuous, curved belts (30). These belts form a curved tray slide sections synonymous with the conveyor system 24 of Brunetti. The belts are curved, and the top surface upon which trays and luggage sit moves in the

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direction of the queue, "defining the direction of travel" [claims 16, 63]. The tray slide belt forms a continuous loop [claim 75].

- d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the conveyor system of Brunetti/Beneke/Bruun by making it a continuous belt loop as taught by Bruun, in order to adhere to the standard, old, and well-known protocol for building a conveyor belt.

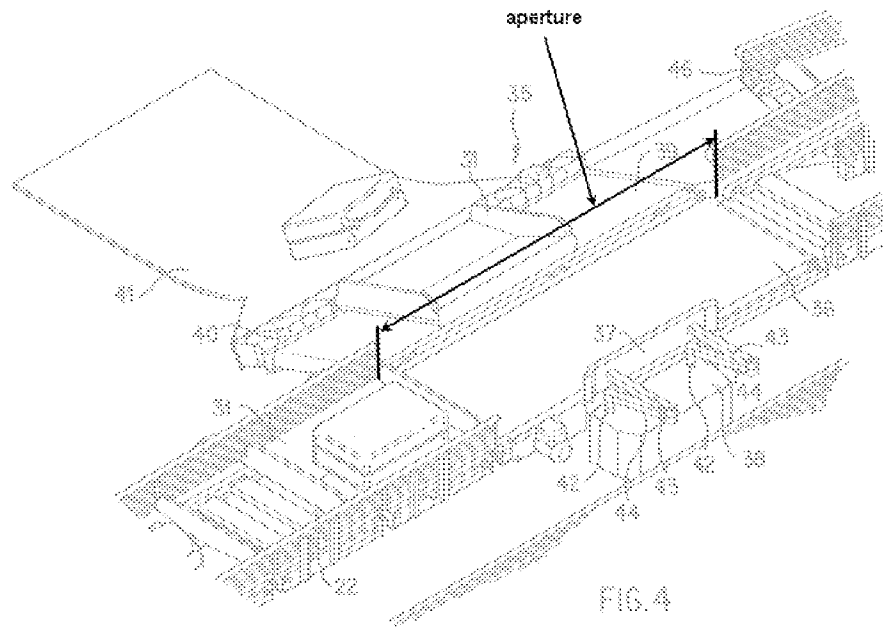
30. Regarding claims 17 and 64, Brunetti/Beneke/Bruun as modified above further discloses a queue comprising two queues (Brunetti: 12, Fig. 1 – there is a queue in front of each gateway 18a, 18b, 18c, etc.).

31. Regarding claims 25-26 and 72-73:

- a. Brunetti/Beneke/Bruun discloses a security system as set forth above with respect to claims 1 and 48.
- b. Brunetti/Beneke/Bruun does not expressly disclose a tray dispenser distal the gateway [claims 25, 72] comprising an aperture, a platform, and a support system [claims 26, 73].
- c. Bruun discloses a retrieval portion (39, Fig. 4) [claim 23, 70], a tray dispenser distal the gateway (Fig. 4) [claims 25, 72] comprising an aperture (amended Fig. 4), a platform (46), and a support system (the bars/beams supporting platforms 39 and 46) [claims 26, 73].
- d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the screening system of

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Brunetti/Beneke/Bruun by adding a tray dispenser portion as taught by Bruun, in order to provide a means (46) to automate the return of the tray to the beginning of the queue.



Reproduced from Bruun (amended)

32. Regarding claims 30-33 and 35-37:

- a. Brunetti/Beneke/Bruun discloses a security system as set forth above in claim 27.
- b. Brunetti/Beneke/Bruun does not expressly disclose that the tray slide has an elevated and non-elevated portion, the elevation providing objects thereon with potential energy [claim 30], means for propelling the article from a sterile to non-sterile area [claim 31] comprising an elevated portion [claim 32], the means including a plurality of rollers with drive mechanism and a belt disposed therearound [claim 33], a tray dispenser [claims 35-36] comprising

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an aperture, a platform, and a support system [claim 37], or a retrieval portion located at a portion of the tray slide distal from the detection device [claim 35].

- c. Bruun discloses a tray slide with an elevated (36) and non-elevated (39) portion, the elevation providing objects thereon with potential energy [claim 30], means for propelling the article from a sterile to non-sterile area (39 and height difference between 36, 39) [claim 31] comprising an elevated portion (36) [claim 32], the means including a plurality of rollers (27) with drive mechanism and a belt disposed therearound (30) [claim 33], a tray dispenser [claims 35-36] comprising an aperture (amended Fig. 4), a platform (46), and a support system (the bars/beams supporting platforms 39 and 46) [claim 37], and a retrieval portion (41) located at a portion of the tray slide distal from the detection device [claim 35].
- d. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the screening system of Brunetti/Beneke/Bruun by adding a tray retrieval mechanism incorporating height differentials and conveyor belts as taught by Bruun, in order to provide a means (46) to automate the return of the tray to the beginning of the queue.

***Response to Arguments***

33. Applicant's arguments filed 06/19/09 have been fully considered but they are not persuasive.
34. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
36. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANON C. PAINTER whose telephone number is

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(571)270-3110. The examiner can normally be reached on Mon-Fri 7:30AM-5:00PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rich Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. C. P./

Examiner, Art Unit 3633

/Basil Katcheves/

Primary Examiner, Art Unit 3635